IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9352 of 2004

Between:

V.Venkateswara Rao S/o Sambasiva Rao Bhimavaram, West Godavari District

(owner of the Tata Sumo Jeep bearingNo.AP 37V 7804

..... PETITIONER

AND

1 The Deputy Commissioner Prohibition and Excise, Nizamabad
2 The Station of House Officer P.S.Birkur, Nizamabad District
3 The S.I of Police P.S. Birkur, Nizamabad District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more in the nature of Writ of Mandamus directing the Respondents 2 & 3 herein to produce the vehicle bearing No.AP 37 V 7804 which was seized on 20/04/2004 on a complaint by one Mr.I Srinivas of Birkur Village alleging the offence under section 34(a) of AP. Excise Act and section 135(c) of Representation of People Act in Cr.No.39 of 2004 and also direct the 1st respondent to entertain the application of the petitioner for release of the vehicle by way of interim custody pending disposal of the enquiry which may be conducted under section 46 of the AP.Excise Act 1968 by duly declaring the action of the part of the Respondents 2 and 3 herein in not taking appropriate steps in accordance with the AP. Excise Act 1968 to enable the petitioner to seek appropriate orders for release of the vehicle pending disposal of the enquiry under section 46 of AP.Excise Act by 1st respondent.

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondent Nos.1 to 3: GP FOR PROHIBITION & EXCISE

The Court made the following :

O R D E R:

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The petitioner has filed this Writ petition questioning the action of the respondents 2 and 3 in not producing the vehicle before the Deputy Commissioner of Prohibition and Excise which is the authority either to give interim custody or for confiscation.

It is stated that pursuant to the interim directions of this Court, the respondents 2 and 3 have produced the vehicle before the Deputy Commissioner of Prohibition and Excise, Nizamabad and the confiscation proceedings are pending before the Deputy Commissioner of Prohibition and Excise.

Learned counsel appearing for the petitioner seeks to withdraw the Writ Petition so as to enable him to participate and pursue the remedies before the first respondent.

Permission is accorded.

Accordingly, the Writ Petition is dismissed as withdrawn with a liberty to pursue the remedy pending before the first respondent.

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V.ESWARAIAH, J

Dated:25-03-2005

CCM

Note:

Issue C.C. within a week.

B/o

ccm

To

1 The Deputy Commissioner Prohibition and Excise, Nizamabad
2 The Station of House Officer P.S.Birkur, Nizamabad District
3 The S.I of Police P.S. Birkur, Nizamabad District

4 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings,

A.P.Hyderabad(OUT)

5 2 CD copies.